

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Masashi SHIMA**

Group Art Unit: **2826**

Serial Number: **10/643,883**

Examiner: **Kevin V. Quinto**

Filed: **August 20, 2003**

PTO Confirmation No.: **5221**

For: **SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING THE SAME**

Attorney Docket No.: **031027**

Customer No.: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

September 30, 2004

Sir:

This paper is submitted in response to the Official Action dated September 9, 2004.

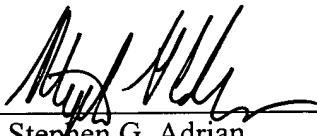
In the Action, restriction is required between Group (I) Claims 1-10; and Group (II) Claims 11-21.

Applicants hereby elect the subject matter of Group (I), Claims 1-10 for prosecution in this application. This election is made without traverse, and it is understood that Applicant's rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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